

REMARKS

Applicant hereby elects the claims identified under Group I which allegedly includes the claims identified above. This election is made with traverse relative to the alleged restriction of the claims of Group I from the claims of Group II.

Applicant traverses the restriction requirement because the Office Action fails to provide a proper basis for restriction. The Office Action identifies two bases for requiring restriction under M.P.E.P. § 806.05(c) and fails to fulfill the requirements of either. Instead, the Office Action merely concludes that “the combination as claimed does not require the particulars of the subcombination as claimed because a player and a method, a recorder and method, and a signal in a physical transmission medium do not require that the player and/or recorder be a digital video cassette recorder.” This rationale would support the restriction of any dependent or intervening claim as well as combinations of independent claims where one independent claim is written more narrowly than another independent claim. Such a result was never intended as the purpose of requiring claim restriction. Moreover, the restriction requirement is further traversed because there is no serious burden upon the Examiner if restriction is not required. *See, e.g.*, M.P.E.P. § 808.02 (“Where the * inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required.”). Thus, the Office Action fails to present a proper basis for restriction.

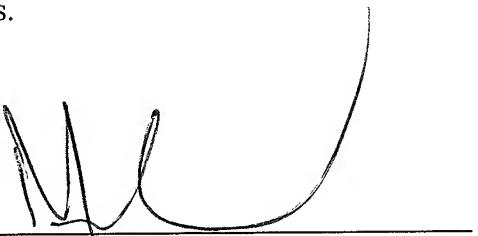
Patent Application Serial No. 10/560,709
Docket No. US030224US

Accordingly, Applicants respectfully requests that the Examiner withdraw the present restriction requirement(s) for examination of all the claims.

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